



Entered on Docket
March 02, 2009

Kim Ri

**Hon. Linda B. Riegle
United States Bankruptcy Judge**

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,¹
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,²
USA Securities, LLC,³

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ROAM DEVELOPMENT
GROUP, LP LOAN**

Hearing Date: February 20, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Roam Development Group,
3 LP Loan (the "Objection") [DE 6706]. Adequate notice of the Objection was given. Two
4 responses were filed to the Objection: 1) Kenneth H. Wyatt IRA, Proof of Claim No.
5 10725-01828, asserted that \$2,025.04 of the claim should be allowed; 2) Phyllis Wyatt
6 IRA, Proof of Claim No. 10725-01829, indicated that the Trust's assertions were correct.
7 The Trust will not dispute the assertions. No opposition was raised to the Objection at the
8 hearing on February 20, 2009. Good cause appearing,

9 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
10 Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted
11 principal" owed to the claimant. The remainder of the claims listed on Exhibit A are
12 disallowed.

13 #####

14 PREPARED AND SUBMITTED:

15 **LEWIS AND ROCA LLP**

16
17 By: /s/ John Hinderaker (#18024)
18 Rob Charles
19 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

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1 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of approval under LR 9021.

4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.

6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.

8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
10 and each has approved or disapproved the order, or failed to respond, as
11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ John Hinderaker (#18024)
14 Rob Charles
15 John Hinderaker (*pro hac vice*)
16 Attorneys for USACM Liquidating Trust

17 **APPROVED AS TO FORM:**

18 By: Kenneth H. Wyatt
19 Kenneth H. Wyatt, on behalf of the
20 Kenneth H. Wyatt IRA

21 By: Phyllis P. Wyatt
22 Phyllis P. Wyatt, on behalf of the
23 Phyllis P. Wyatt IRA

ROAM DEVELOPMENT LOAN
THIRD OMNIBUS OBJECTION

EXHIBIT A
Single Loan Claims

Claim	Name	Address	Total Claim Amount	Unremitted Principal	Approximate Amount Subject to Objection
10725-01330	Daniel L & Sandra M Everett	921 Crystal Ct Foster City, CA 94404-3517	\$1,164.97	\$0	\$533.61
10725-01220	Brian M Herman & Anthony G Adams	1341 Cashman Dr. Las Vegas, NV 89102	\$4,543.39	\$0	\$4,543.39
10725-00748	Nielson Family Trust Dtd 3/9/78	c/o Dell R. and Penny Nielson Ttees P.O. Box 281145 Dysart Ranch Lamoille, NV 89828-1145	\$48,835.02	\$631.36	\$48,203.66
10725-01883	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$4,659.87	\$0	\$4,659.87
10725-00112	Sanchez Living Trust	Randy and Sharon Sanchez Ttees 5713 N. White Sands Rd. Reno, NV 89511	\$60,000.00	\$0	\$60,000.00
10725-00684	Dennis & Donna Sipiorski	1312 Jackie Ln Minden, NV 89423-9070	\$1,164.97	\$0	\$1,164.97
10725-01815	Raymond Troll Trust	c/o Raymond Troll Trustee 77420 Sky Mesa Ln Indian Wells, CA 92210-6103	\$29,794.30	\$14,521.28	\$15,273.02
10725-01316	Ruth Acosta Wara LP	Valley Forge Business Ctr 2546 General Armistead Ave Norristown, PA 19403-5230	\$8,090.31	\$2,525.44	\$5,564.87
10725-01828	Kenneth H. Wyatt IRA	P.O. Box 370400 Las Vegas, NV 89137-0400	\$53,983.35	\$2,025.04	\$53,351.99
10725-01829	Phyllis P. Wyatt IRA	P.O. Box 370400 Las Vegas, NV 89137-0400	\$53,983.35	\$631.36	\$53,351.99